

Message Text

CONFIDENTIAL

PAGE 01 GENEVA 02622 161155Z

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INFO AMEMBASSY BUCHAREST

AMEMBASSY MOSCOW

C O N F I D E N T I A L GENEVA 2622

EXDIS

E.O. 11652: XGDS-1

TAGS: CSCE, PFOR, XG

SUBJECT: CSCE POLICY: PEACEFUL CHANGE OF FRONTIERS

REF: (A) GENEVA 1668; (B) BUCHAREST 1539

1. SUMMARY: ROMANIAN AMBASSADOR LIPATTI, ON INSTRUCTIONS, INFORMED US APRIL 15 THAT BUCHAREST CANNOT ACCEPT PRESENT DRAFTING OF PEACEFUL CHANGE LANGUAGE AND HAD SECONDARY PROBLEM WITH ITS PLACEMENT IN FIRST PRINCIPLE. THEY REQUEST RE-INTRODUCTION OF WORD "ONLY" AND ELIMINATION OF THE COMMA BEFORE "IN ACCORDANCE WITH INTERNATIONAL LAW". WE PROMISED TO REPORT ROMANIAN VIEWS BUT MADE CLEAR THAT PROBLEMS WERE WITH OTHER PARTICIPANTS AND IT UNLIKELY THAT US COULD REOPEN TEXT TO ACHIEVE ROMANIAN DESIRES. END SUMMARY.

2. AMBASSADOR LIPATTI, ON INSTRUCTIONS, ACCOMPANIED BY ROMANIAN DECLARATION OF PRINCIPLES NEGOTIATOR, DIACONU, CALLED ON US APRIL 15 TO DISCUSS BUCHAREST'S CONSIDERED REACTION TO MARCH 17 PEACEFUL CHANGE LANGUAGE. AFTER INVOKING THE "REMARKABLE" US-ROMANIAN COOPERATION AT CSCE AND NOTING US SPONSORSHIP OF PEACEFUL CHANGE TEXT, LIPATTI CONFIRMED THAT TEXT WAS UNACCEPTABLE TO BUCHAREST. AS NOW DRAFTED IT WAS AN INVITATION TO BORDER CHANGES, NOT AN EXCEPTION TO RULE OF
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PAGE 02 GENEVA 02622 161155Z

BORDER INVIOABILITY. THIS WAS A SERIOUS STEP BACKWARD

FROM APRIL 5 TEXT WHICH ROMANIA, IN SPIRIT OF COMPROMISE, HAD BEEN WILLING TO ACCEPT. FEAR WAS THAT SOVIETS WOULD INTERPRET "INVOLABILITY" AS APPLYING TO THEMSELVES AND "CHANGE" AS APPLYING TO THEIR ALLIES. IN THIS REGARD, ROMANIANS WERE CONCERNED WITH INDICATIONS THAT SOVIETS WERE CONSIDERING UNIFYING SOCIALIST STATES AS SOVIET REPUBLICS HAD EARLIER BEEN UNIFIED. POSSIBILITY OF BULGARIA SEEKING SUCH A RELATIONSHIP WAS MENTIONED.

3. PRIMARY PROBLEM, ACCORDING TO LIPATTI, WAS TO REINSTATE THE WORD "ONLY", SO THAT TEXT AGAIN LOOKED LIKE AN EXCEPTION, NOT AN INVITATION. DIACONU EXPLAINED THAT THIS COULD BE DONE IN VARIOUS WAYS, E.G., INSERTING IT BETWEEN "CHANGED" AND "IN ACCORDANCE WITH"; INSERTING IT BETWEEN "INTERNATIONAL LAW" AND "BY PEACEFUL MEANS"; OR BY REORDERING THE TEXT TO READ: "CAN BE CHANGED BY PEACEFUL MEANS AND BY AGREEMENT, ONLY IN ACCORDANCE WITH INTERNATIONAL LAW".

4. TWO OTHER TEXTUAL DIFFICULTIES, DESCRIBED BY DIACONU, WERE: THE COMMA BETWEEN "CHANGED" AND "IN ACCORDANCE WITH"; AND RUSSIAN LANGUAGE TRANSLATION OF "AGREEMENT" BY "DOGOVORENNOSTI" RATHER THAN "SOG-LASHYENYE" (PARA 6 REF A).

5. LIPATTI SAID THAT ROMANIANS CONTINUE TO HAVE A PROBLEM WITH PLACEMENT OF PEACEFUL CHANGE IN FIRST PRINCIPLE BUT CHARACTERIZED THIS A SECONDARY PROBLEM. IN RESPONSE TO OUR QUESTIONS, HE COULD NOT IDENTIFY THE PLACEMENT WHICH ROMANIA WOULD FIND APPROPRIATE. WE NOTED THAT PLACEMENT IN FIRST PRINCIPLE WAS OPPOSED BY SOME PARTICIPANTS BECAUSE PHRASE "CONSIDER THAT" MADE IT LOOK WEAKER THAN OTHER ELEMENTS OF SOVEREIGN EQUALITY. DIACONU POINTED OUT, HOWEVER, THAT COMMA BEFORE "INTERNATIONAL LAW" IN PEACEFUL CHANGE TEXT WOULD BE IN STARK CONTRAST WITH LACK OF COMMA BEFORE SAME PHRASE IN PENULTIMATE SENTENCE OF SOVEREIGN EQUALITY. (THAT SENTENCE STATES THAT EACH PARTICIPATING STATE HAS THE RIGHT "TO DEFINE AND CONDUCT AS IT WISHES ITS RELATIONS WITH OTHER STATES IN ACCORDANCE WITH

CONFIDENTIAL

PAGE 03 GENEVA 02622 161155Z

INTERNATIONAL LAW AND IN THE SPIRIT OF THE PRESENT (TITLE OF DOCUMENT)").

6. WE REVIEWED FOR LIPATTI THE ORIGINS OF THE MARCH 17 TEXT AND THE LONG AND DIFFICULT PROCESS WHICH HAD BEEN INVOLVED IN ITS NEGOTIATION. WE NOTED THAT US INTERESTS WERE NOT DIRECTLY AFFECTED BY THE TEXT AND IT WAS NOT THE US WHICH WAS THE KEY TO THE

DRAFTING PROBLEMS ROMANIA HAD, AND CONCLUDED THAT WE
COULD ONLY REPORT THE ROMANIAN VIEWS, BUT MUST SAY THAT
THEY WERE NOT LIKELY TO BE WELL RECEIVED. ASKED IF
ANY OTHER DELEGATIONS SUPPORTED THE ROMANIAN POSITION
OR IF ROMANIA WAS ISOLATED ON THIS, LIPATTI REFERRED
TO CONSENSUS, SAID OTHER DELEGATIONS WERE UNHAPPY WITH
TEXT, AND INDICATED THAT ROMANIA DID NOT, IN ANY EVENT,
CONSIDER ISOLATION TO BE A PROBLEM. DALE

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